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## PRISON LABOR REFORM IN NEW JERSEY

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New Jersey has by legislation abolished contract labor. In order to meet the condition thus changed by legislative enactment, two commissions were appointed, a Prison Labor Commission and a Convict Labor Commission. The latter commission has for its province the duty of formulating "a comprehensive plan for the initiation and use of the labor of all convicts on public roads, in public parks, in forestry and in such other ways to the public benefit, not in competition with free labor." The Prison Labor Commission has been given authority to take over the labor of convicts upon the expiration of the present existing contracts. This commission is to be a permanent one, and is designed to have executive authority and control of the prisoners in their working hours. Its members have traveled about the country and they have worked out a plan of action which was recently submitted in its first report to the governor. In its study of the local conditions there have been found loopholes and weaknesses in the law under which the commission operates, so that before actual operations can be undertaken there must occur certain changes in the law and an adjustment of authority and responsibility. The duties of the Prison Labor Commission, of the boards of directors of penal institutions and of keepers and wardens must be sharply defined in order to avoid conflict and friction when operations under the new system are inaugurated.

As each state has its own peculiar conditions, New Jersey must work out its own plan. The state has one central prison at Trenton which has developed from early times of the state's history. A five-acre tract of land on the outskirts of a small city may have been reasonably satisfactory a century ago, but the City of Trenton has grown and now surrounds the prison property. The prison has grown also, and now consists of numerous cell houses, workshops and other buildings which leave but little vacant space. It

is practically impossible to provide a suitable exercise court for the prisoners during the very short daily intervals when they may have a glimpse of the open sky and an opportunity to fill their lungs with fresh air, or at least such fresh air as may be had within such congested quarters.

The prison system of New Jersey includes also a reformatory of limited acreage at Rahway for men, a reformatory site for women on a large farm near Clinton, for which permanent buildings must be provided, a county jail in each of the twenty-one counties and three county penitentiaries or workhouses for the larger communities, of which Trenton, Newark and Jersey City are the county seats. No contract labor has existed in these three workhouses and, obviously, no form of labor has been devised for the county jails, other than the conventional stone piles, the product of which is used on the county roads.

The Prison Labor Commission, under its present powers, will have control of the labor of the prisoners in jails, workhouses, reformatories and prisons. It is for this commission to work out a comprehensive plan that will include the labor of all. It is presumed that the Convict Labor Commission will not be particularly active and that, after it makes a report, its mission will be ended.

As an experimental test and as an object lesson, the Prison Labor Commission, by an agreement with the prison managers and the State Commissioner of Public Roads, took a company of twenty men from the prison daily to a badly worn state road running south from Trenton, and during the months of December and January demonstrated the practicability of employing convicts upon public roads. An interurban trolley passes alongside this highway, and road traffic is quite heavy. In their gray uniforms the casual passerby would hardly know that this was not a gang of free laborers working on the roads. The prisoners went about the task with considerable enthusiasm and zeal, knowing full well how much depended upon this experiment. It meant much for the prisoners within the narrow confines of the state prison, but directly it meant more for them because they had nearly completed their respective terms of sentence and this opportunity put them in physical fitness better to adjust themselves to free life upon final discharge. Particularly was the work agreeable to them because it meant better food and great liberty from restraint and the dreary routine of cell and shop

life within walls. It was a demonstration in most favorable environment of both the utility and the practicability of a road-working plan.

Recognizing the crowded conditions in the prison and the limited space available, the Prison Labor Commission readily came to the conclusion that the first step to be taken must be the purchase of a large tract of land. An option was secured on a tract of pine barrens in South Jersey and it is hoped that an appropriation for the purchase of this land will be immediately secured. The commission believes that at a moderate cost the prisoners can clear the land and bring it under profitable cultivation. Eventually it will mean the housing of a considerable proportion of the state convicts upon this farm tract, thereby materially reducing the population within the prison walls at Trenton.

The commission recognizes that there will be a proportion of the convicts who must be retained within the walls of the state prison at Trenton. The employment of their labor must be on state account or for state use. The form which this labor will take within prison walls has yet to be developed. It suggests that the prisoners who must be held within prison walls may be profitably employed in the manufacture of goods required by the prison and other state institutions, such as shoes, clothing, underclothing, socks, stockings, blankets, brooms, brushes, mats, rugs, mattresses and beds. It has even suggested the making of school furniture for the public schools of the state.

Besides this economic tendency in prison factory work for state use, there is a latent thought of diversified industry having an educational and trades instruction tendency. The reformatory at Rahway has already developed school and trade instruction to a considerable extent. Officers and guards are selected under civil service rules to this end. The minor officers and employees of the reformatory now include a number of college men.

Road building and the maintenance and repair of state highways, including a stone quarry and a crushing plant, park development and forestry all are yet to be worked out. How this may be done in the various sections of the state and how the use of county jail and workhouse prisoners may be employed remains for future consideration and development.

It will be seen from a survey of present conditions in New

Jersey and the immediate programme as outlined by the Prison Labor Commission that the present thought is directed solely upon the economic side. The prison in the past has been conducted on the theory that the earnings to the state under the contract labor system have to some extent reduced the cost of maintenance. No particular study or thought was directed towards the development of a knowledge whether the contract system with its attendant evils and abuses had anything to do with the increase of crime, the reformation or rehabilitation of the convicts or the cost to society at large of discharged convicts returning to prey upon the public. Whether prisons should be managed for the benefit of the prisoner or for the benefit of a system were latent thoughts. The economic side alone was considered. How to reduce the cost of keeping prisoners rather than how to reduce the cost to society of criminals has been the paramount thought. To those who have given more or less careful study to the subject of crime and criminals, it need not be suggested that the present movement in New Jersey is the beginning of the development of an entirely new point of view. The convict and not the system is now to be studied.

A study of the convict rather than a consideration of his labor and the profits to be obtained from his labor means much for the future, not alone for a better prison management, but for the welfare of society at large. A recent writer has said: "The increase of knowledge must inevitably do away with our barbaric penal codes, with cellular confinement and electrocution. An enlightened community will realize that the whole mediæval idea of punishing each other is not only a sin but a blunder, a rank economic extravagance, as useless as it is costly. We will learn to protect ourselves from the losses and moral contagions of crime as we do from infectious diseases. Our prisons we will discard for hospitals, our judges will become physicians, our keepers we will turn into trained nurses."

This is looking forward a long way into the future, but it is a hopeful outlook and by no means visionary. Public opinion is rapidly crystalizing. Our lawyers, our judges, our hard-headed business men, our theorists, our propagandists, are all coming to a general agreement that the old ways have outlived whatever little usefulness they may have had, and we are all agreed that something radically different must be undertaken. Criminal law reform has

many advocates; antiquated forms and procedures in our courts will be abandoned. It is easy now to secure an acceptance of the indeterminate sentence idea as against the fixed term idea as prescribed by a rigid statute.

Parole and paroles supervision are widening in scope and their effectiveness improves under experience. Suspension of sentence under probation surveillance naturally follows. Wherever it has been attempted, its results in the main have been found salutary. Faulty it may be, but the fault does not lie in the principle but in the application. It means a change of view-point on the part of the committing court and a change of view-point on the part of the power which appoints the judge to the end that the right sort of men are made our judges. As the juvenile courts have developed juvenile court judges, probation and the suspended sentence develop the right kind of judiciary wisely to apply the suspended sentence. It may be said for New Jersey that in every county in the state the local and minor courts do not hesitate to suspend sentence and fix the terms under which sentence may remain suspended. This often takes the form of weekly sums of reimbursement for monetary losses, as in petty thefts and petty embezzlements or misappropriation of funds. In non-support cases, it means weekly payments through the court's officer.

This probation idea, this suspended sentence plan, means the development of a friendly adviser to the court, a sort of social service akin to the comparatively new development of the hospital social service.

There is developing in New Jersey the full idea of the importance of the individual study of the individual convict. It has come about through the operations of the research work now so earnestly carried on in connection with the institutions for the feeble-minded, the epileptic and the insane. The sending of field workers out from these several institutions seeking data regarding family environment and hereditary traits of relatives and the antecedents of the inmates under study has already resulted in the discovery that the trails often lead into the local prisons and those of other states. In the study of a given family through several generations, it is found that members of either branch have at some time and somewhere been lodged in jails, in almshouses, in prisons, in insane hospitals and in the various custodial institutions for unsocial classes. Surely this

will result in a study of the individual convicts in prison. Defects in physical development may be found, which upon being corrected may result in the restoration of that individual to a normal life. Defects in intellectual development will likewise be studied and given proper treatment. The Prison Labor Commission in New Jersey has already taken thought upon this subject and it recommends the development of the prison school in connection with the proposed farm colony.

It is interesting to note this development of the central thought of working for the prisoner instead of working the prisoner. Dr. Frank Moore, in his annual report for the New Jersey State Reformatory says: "It is very much to the credit of the courts and the efficiency of the probation system that so much corrective work has been done without having to incarcerate the offenders. The work of the reformatory, however, is rendered each year increasingly difficult because now those who have failed as probationers or who have been previously confined in other institutions are almost the only ones that are sentenced to it. These failures of the probation system and juvenile institutions do not reflect discredit upon either of these influences that have sought to correct them. A larger percentage of these offenders are feeble-minded. Others have serious physical defects rendering them unfit for life's struggle. Defective eyesight, flat-foot, nasal obstruction, incipient tuberculosis and neurotic conditions seriously handicap them. Altogether they are a weak class who succeed so long as they are supported by someone else, but who easily sink through weight of their own weakness when left alone. The remedy of constitutional defects is now very wisely being recognized as all essential. At least fifty per cent of our delinquents have some physical or mental weakness. The work of curing the sick is only a part of the service the physician must render."

Dr. Moore ventures the assertion that twenty-five per cent of the young men now paroled make a greater average of success than is made by the people in the class from which they come. This he attributes to the training and preparation they get at the institution.

New Jersey has a great opportunity and it is fortunate in having a large number of thoughtful men directly interested in the subject of a modern comprehensive system for the treatment of the

criminal class. It is working for a revision of the criminal law and the procedures of its criminal courts. It is developing its juvenile courts and extending the probation features. Suspended sentences are freely used. A social worker or friendly adviser to every court is possible and the adoption of this plan is highly probable. Making the county jails serve solely as prisons for detention and providing workhouses for all convicts needing custodial restraint must follow. Farms and workshops for training the convict as well as for earnings to the state, a wage scale for prisoners that their families may benefit thereby, schools for mental culture and physical development under the direction of medical officers, will be included in the programme. Finally there must come a rational permanent custodial care and a rational scheme of productive occupation for the residuum of the unsocial class.